

Office of Professional Accountability (OPA) Commendations & Complaints Report January 2007

Commendations:

Commendations Received in January: 5

Commendations Received to Date: 5

Britt, James	A reported stolen vehicle equipped with a silent alarm was tracked and recovered within minutes of activation. With a joint effort of Seattle Police, King County, and the State Patrol Cessna, a signal was tracked to a garage on private property. A search warrant was obtained and the vehicle was found along with many other stolen parts and another stolen vehicle. A suspect has been identified and an arrest is anticipated. Officer Britt was commended for his quick response along with King County and the State Patrol.
Garth Green, Marc	Officer Garth Green was commended for his work in maintaining a high level of service to the citizens served by the North Precinct.
Griesheimer, M.	Following audio and visual cues on a stolen vehicle, it was tracked and recovered within minutes of the theft. Officer Griesheimer was commended for her quick response.
Shilling Jr, Robert	Detective Shilling received a commendation letter for his presentation to members of the Lynnwood Rotary Club on sexual abuse. As an internationally recognized expert in the field, his presentation was considered very informative and was greatly appreciated.
Sundin, Casey	Officer Sundin received a commendation for his quick and efficient actions to a condominium break-in. His actions resulted in the series of events leading up to the break-in being addressed, recovery of some stolen property, and a sense of reassurance by residents in the building.

*This report includes commendations received from citizens or community members. Numerous commendations generated within the department are not included.

January 2007 Closed Cases:

Cases involving alleged misconduct of officers and employees in the course of their official public duties are summarized below. Identifying information has been removed.

Cases are reported by allegation type. One case may be reported under more than one category.

STANDARDS OF CONDUCT: INTEGRITY

Synopsis	Action Taken
It was alleged that the named employee used physical force upon his son, who was being detained in a department holding cell.	The evidence supported that the son was arrested and was being held in a department holding cell. Though the employee did not interfere with the arrest or processing of his son, the evidence did support that he had physical contact with him while the son was in the holding cell. Finding—SUSTAINED.

STANDARDS OF CONDUCT: PROFESSIONALISM

Synopsis	Action Taken
Metro supervisor alleged the named employee was discourteous while flagging traffic and failed to identify himself when asked.	<p>The evidence supports that the employee did not act professionally toward the Metro employee. Finding—SUPERVISORY INTERVENTION.</p> <p>The evidence on failure to identify is less clear. The employee did provide his name verbally, though not in writing as required by policy. However, the traffic scene was chaotic and providing the name in writing may have jeopardized the employee's mission to facilitate the safe flow of traffic. Finding—EXONERATED.</p>
Complainant alleged that the named employee, while working off-duty flagging job at a construction site, made an unprofessional comment to him. He also alleged the officer failed to identify himself.	<p>The complainant and the named employee had an exchange when the complainant was stuck at an intersection due to construction. The complainant became irate and swore at the officer. The officer, ordering the complainant to drive away, responded with a remark that included mild profanity. Finding—SUPERVISORY INTERVENTION.</p> <p>The evidence did not support the allegation of failure to identify. The employee directed the complainant to a nearby bus stop so that he could provide written identification, but the complainant did not stop. Finding—EXONERATED.</p>
Complainant alleged that, during her brother's arrest, one named employee called her a name. She also alleged that the arresting officers failed to read her brother his rights.	The named officers responded to a fraud call in which the complainant's brother was identified as the suspect. The complainant, her brother, and a third person were located in a nearby park drinking alcohol. The named employees deny the complainant's allegations. The arrest report notes that the suspect was advised of his rights. The complainant never responded to multiple attempts at contact by the investigator. Finding—UNFOUNDED.
The complainant alleged that the named employees stopped her son for no reason, and during the stop, they called him names.	The officers made an investigative stop of the vehicle in order to identify the driver. They told the driver why they stopped him. Both officers denied making the alleged statements. The driver described two officers who do not fit the description of the named employees. The driver later denied any recollection of the incident, stating he was relying on his mother to recall the incident. His mother was not there. Finding—UNFOUNDED.

<p>LI 06-0345</p> <p>The complainant alleged that the named retired employee, who was working at a construction site, yelled at him, pushed him on the chest, and refused to identify himself.</p>	<p>The complainant and the named officer had a courteous exchange about not entering a hard-hat area. After that exchange, the complainant proceeded to enter the area anyway. The named retired officer used strong words and a loud voice to direct the complainant out of the area. The evidence did not substantiate misconduct. Finding—NOT SUSTAINED.</p> <p>The officer did give his name verbally to the complainant. The Department policy does require that written identification be provided upon request. Finding—SUPERVISORY INTERVENTION.</p>
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STANDARDS OF CONDUCT: RULES/EXPECTATIONS

Synopsis	Action Taken
<p>It is alleged that the named employee failed to repay a loan after leveraging his position as a police officer to obtain cash from the complainant.</p> <p>It is also alleged that the named employee failed to pay an in-store charge account after leveraging his position as a police officer and making purchases against the account.</p>	<p>The investigation determined that the named employee abused his position to leverage a credit arrangement with a private business owner. Only after the business owner contacted the employee's supervisor did the employee repay the loan. Finding—SUSTAINED.</p> <p>The investigation determined that the employee did not take care of his debt in a timely manner. Further, it was only after the department became involved that the employee made an effort to resolve his debt. Finding—RULES AND EXPECTATIONS -- SUSTAINED.</p> <p>The investigation did not determine that the employee had in any way leveraged his position to take advantage of this credit arrangement. FINDING-MISUSE OF AUTHORITY-UNFOUNDED.</p>

UNNECESSARY FORCE

Synopsis	Action Taken
<p>It was alleged that the named employees stopped the complainant without cause, used unnecessary force during his arrest, and failed to document the arrest of an additional subject. It was further alleged that one of the named employee gave inaccurate testimony during the complainant's trial.</p>	<p>The complainant was stopped for investigation of a narcotics violation. The evidence supported a reasonable stop suspicion. The evidence regarding the use of force was inconclusive. The complainant's companion did not respond to repeated requests to give a statement. The evidence did substantiate that the named employees failed to document and screen the arrest of the complainant's companion, and that this arrest may have lacked adequate authority. Finally, the evidence also confirmed that one of the named employee's initially provided inaccurate testimony; however, on his own initiative, the officer reviewed his report and promptly contacted the prosecutor to notify her and to correct his testimony. Finding on (2) named employees: Unnecessary Force—NOT SUSTAINED; Arrest Procedures—SUSTAINED.</p> <p>Additional Finding on (1) named employee: Honesty—SUSTAINED.</p>
<p>The complainant alleged that the officers used unnecessary force during their arrests.</p>	<p>The incident began when plain-clothes officers driving an unmarked van in an alley encountered the male and female subjects. The female moved out of the way, but the male didn't. When confronted by the officers, the male challenged the officer, moved as if to strike him, then ran. His companion pushed at the officers to keep them away from, and to keep them from pursuing, her friend. The female was pushed and held before handcuffing. The male was caught and tased. The force used was documented, screened, and reported. The force at each stage appeared consistent with policy and training. Finding—NOT SUSTAINED.</p>
<p>The complainant alleged that named employees used excessive force when arresting her ex-boyfriend for domestic violence when one employee hit him on the head and kicked him in the side several times and two other employees struck the subject with clubs.</p>	<p>The evidence supported that the officers used reasonable and necessary force to control and arrest a domestic violence subject that was angry, uncooperative, and struggling with the employees. There was no evidence that the named employees struck the subject with clubs or kicked him. Finding—EXONERATED.</p>

January 2007 Cases Mediated:

No cases were mediated in January

Definitions of Findings:

“Sustained” means the allegation of misconduct is supported by a preponderance of the evidence.

“Not sustained” means the allegation of misconduct was neither proved nor disproved by a preponderance of the evidence.

“Unfounded” means a preponderance of evidence indicates the alleged act did not occur as reported or classified, or is false.

“Exonerated” means a preponderance of evidence indicates the conduct alleged did occur, but that the conduct was justified, lawful and proper.

“Supervisory Intervention” means while there may have been a violation of policy, it was not a willful violation, and/or the violation did not amount to misconduct. The employee’s chain of command is to provide appropriate training, counseling and/or to review for deficient policies or inadequate training.

“Administratively Unfounded/Exonerated” is a discretionary finding which may be made prior to the completion that the complaint was determined to be significantly flawed procedurally or legally; or without merit, i.e., complaint is false or subject recants allegations, preliminary investigation reveals mistaken/wrongful employee identification, etc, or the employee’s actions were found to be justified, lawful and proper and according to training.

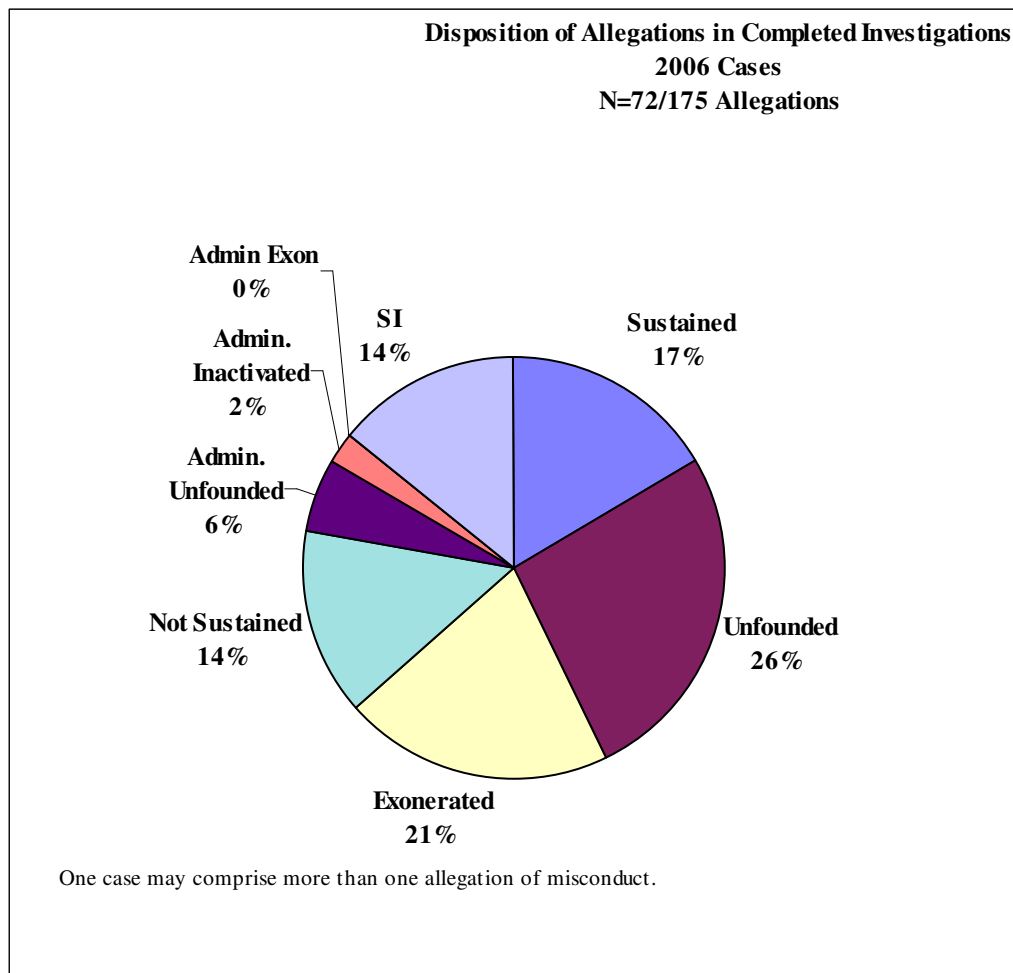
“Administratively Inactivated” means that the investigation cannot proceed forward, usually due to insufficient information or the pendency of other investigations. The investigation may be reactivated upon the discovery of new, substantive information or evidence. Inactivated cases will be included in statistics but may not be summarized in this report if publication may jeopardize a subsequent investigation.

Status of OPA Contacts to Date: 2006 Contacts

	Dec 2006	Jan-Dec 2006
Preliminary Investigation Reports	14	284
Cases Assigned for Supervisory Review	5	83
Cases Assigned for Investigation (IS;LI)	10	184*
Commendations	21	397

*includes 2006 cases closed in 2007

note: the below chart has been changed effective the July 2006 report (June data) to reflect cases that have a "Supervisory Intervention" (SI) finding.



2007 Contacts

	Jan 2007	Jan-Dec 2007
Preliminary Investigation Reports	37	37
Cases Assigned for Supervisory Review	13	13
Cases Assigned for Investigation (IS;LI)	16	16
Commendations	5	5